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FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

GREGORY SMITH,
an individual,

Plaintiff,

v.

THE CITY OF DEL-CITY,
a municipal corporation.

Defendant.

AUG - 5 2020

RICK WARREN
COURT CLERK
36

Case No. C5-2020-3614

APPLICATION FOR EMERGENCY RESTRAINING ORDER

Comes now Gregory Smith, Plaintiff, and for his Application for Temporary Restraining Order, she states as follows:

1. Reference is made to Petitioner's Petition on file and pending herein. All allegations contained therein are incorporated herein and are adopted by reference.

2. On July 31th, 2020, the Plaintiff's Tenant were threatened with forcible removal and arrest from their home of 7 years, unless access to the property is permitted and the Tenants purchased trash utilities. In 2014, the Tenants inquired as to purchasing trash utilities but were told that since they had a water well, trash would not be available to them through the city. The individual will be forced out of the home by the Del City Police unless the Judge of the District Court Grants Plaintiff's Request for a Temporary Restraining Order, including all condemnation proceeding and or other activities, against The City of Del City, its employees, agents, and contractors until a Permanent Injunction can be ordered.

4. Plaintiff believes that the Defendant's ordinances is contrary to state law and due process rights granted under the Federal and State Constitutions. Moreover, the Plaintiff states that the ordinance under which the Defendant is operating is contrary to the Oklahoma State Statutes, the Oklahoma State Constitution and the United States Constitution.

5. Plaintiff requests the Court conduct its immediate hearing upon the foregoing requests for immediately effective temporary order forbidding the City of Del City, its employee, agents, or contractors from conducting any further activities with regards to the condemnation or other on or about the above noted property, at such hearing, the above requested temporary orders should be reentered and confirmed as a Temporary Injunction as defined in 12 O.S. § 1382.

WHEREFORE, Plaintiff requests that the Court conduct a hearing upon Plaintiff's Application for Restraining Order; that the requested orders above set forth be entered herein; that, upon further hearing upon said Application For Temporary Restraining Order, the effective orders be granted until such time the Court decides otherwise. Moreover, Plaintiff request attorney's fee, costs, and all further ancillary and proper relief as is warranted by the evidence and circumstances presented.

Respectfully submitted:



Phillip S. Spratt OBA #21365
The Spratt Law Firm
333 N.W. 5th, Suite 415
Oklahoma City, Oklahoma 73102
Telephone (405) 701-3033
Fax (405) 600-7351
Attorney for Petitioner

NOTICE OF HEARING

Be advised that a hearing on the above Application will be heard on August 10 2020 at 1:30 PM. In Court room 325, Judge Cayden.

CERTIFICATE OF SERVICE

This is to certify that on this 5th day of August 5, 2020, a true and correct copy of the above and foregoing Petition and application for Temporary Order was hand delivered or/and mailed certified, postage prepaid, to:

The City Clerk of Del City.
Attention: City Clerk
3701 S.E. 15th, Street
Del City, Oklahoma 73102

Beverly Palmer
3701 SE 15th St
Del City, OK 73115
Oklahoma County
Attorney for the Defendant

Attorney General of Oklahoma
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

Approved:



Phillip Scott Spratt
The Spratt Law Firm
333 NW 5th St, Suite 415
Oklahoma City, OK, 73102

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

GREGORY SMITH,)
an individual,)
Plaintiff,)
v.) Case No.
THE CITY OF DEL-CITY,)
a municipal corporation.)
Defendant.)

TEMPORARY RESTRAINING ORDER

Comes Now, Gregory Smith, on August ____ 2020, Plaintiff, and for her Application for Temporary Restraining Order. The parties present the following agreed order as follows:

1. A Temporary Restraining Order is hereby issued against the Defendant concerning their enforcement of the International Property Maintenance Code.
2. The Defendant, its employees, agents is hereby restrained from all condemnation proceeding and or any other activities involving the condemnation of the Plaintiff's property, including criminal action.
3. The Defendant, its employees, and agents are hereby restrained from inspecting or trespassing until the Plaintiff's property.
4. The Defendant is enjoined from inspecting or issuing directives concerning the standards of habitability or living conditions of the Plaintiff property.
6. This order does not prohibit the Defendant from performing their normal municipal activities of law enforcement or other safety duties, such as in the case of fire or protecting the Plaintiff property from vandals, trespass, or other threats.
7. The parties may decide not to follow this order through a signed agreement.
8. Costs and Attorney fees reserved.

IT IS SO ORDERED

Signed on August ___, 2020.

JUDGE OF THE DISTRICT COURT

Approved For Entry:

Phillip S. Spratt OBA #21365
The Spratt Law Firm
333 N.W. 5th, Suite 415
Oklahoma City, Oklahoma 73102
Telephone (405) 701-3033
Fax (405) 600-7351
Attorney for Petitioner

Beverly Palmer
3701 SE 15th St
Del City, OK 73115
Phone: 405-670-7310
Fax; 405-671-2897
Attorney for the Defendant